

1 D. Lee Roberts, Jr., Esq.
Nevada Bar No. 8877
lroberts@wwhgd.com
2 Stephanie J. Glantz, Esq.
Nevada Bar No. 14878
sglantz@wwhgd.com
3
4 Hayley J. Cummings, Esq.
Nevada Bar No. 14858
hcummings@wwhgd.com
5 WEINBERG, WHEELER, HUDGINS,
6 GUNN & DIAL, LLC
6385 South Rainbow Blvd., Suite 400
7 Las Vegas, Nevada 89118
Telephone: (702) 938-3838
8 Facsimile: (702) 938-3864

*Attorneys for Defendants Ahern Engineering, LLC,
Xtreme Manufacturing, LLC, and Xtreme Cubes Corporation*

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

RND CONSULTING, INC., an Illinois Corporation,

Case No.: 2:24-cv-00713-CDS-MDC

Plaintiff,

VS.

AHERN ENGINEERING, LLC, a Nevada Limited Liability Company; XTREME MANUFACTURING, LLC, a Nevada Limited Liability Company; XTREME CUBES CORPORATION, a Nevada Corporation,

**JOINT MOTION FOR ORDER SETTING
CASE FOR SETTLEMENT
CONFERENCE BEFORE ASSIGNED
MAGISTRATE JUDGE PURSUANT TO
LOCAL RULE 16-5**

Defendants.

Pursuant to Local Rule 16-5, Plaintiff RnD Consulting, Inc. (“Plaintiff”), and Defendants Ahern Engineering, LLC; Xtreme Manufacturing, LLC; and Xtreme Cubes Corporation (“Defendants”) (collectively, the “Parties”), through their respective attorneys of record, hereby submit this Joint Motion for Order Setting Case for Settlement Conference Before Assigned Magistrate Judge (the “Joint Motion”). *See also* LR 7-1; LR IB 1-7(b). The Parties’ Joint Motion is supported by the following Memorandum of Points and Authorities.

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MEMORANDUM OF POINTS AND AUTHORITIES

While the Parties have engaged in preliminary, informal resolution efforts up to this point, the Parties believe that a formal settlement conference would streamline the Parties' efforts and, in turn, assist the Parties in reaching a global settlement agreement. Given this action's procedural posture¹—and before expending significant resources retaining experts and conducting extensive deposition discovery—all Parties agree that now is the time to engage in a focused effort to resolve this litigation, with the assigned Magistrate Judge's guidance.

Relevant here, this District's Local Rules directly support the Parties' request:

LR 16-5. SETTLEMENT CONFERENCE AND ALTERNATIVE METHODS OF DISPUTE RESOLUTION

The court may set any appropriate civil case for settlement conference or other alternative method of dispute resolution (ADR)

LR 16-5; *see also* LR 7-1; LR IB 1-7(b). With their request, the Parties also recognize that this Court “is committed to assisting attorneys and parties in reducing costs in civil cases” and that it “is the obligation of attorneys, as officers of the court, to work toward the prompt completion of each case and to minimize litigation expense.” LR 1- 1(b).

Accordingly, the Parties respectfully request the Court issue an order under LR 16-5 requiring the Parties and their attorneys to attend a settlement conference at a mutually agreeable time and place to be designated by the Court. With this Joint Motion, the Parties represent that this case is appropriate for an “early settlement conference with a magistrate judge.” LR 1-1(b)(3); *see also* LR IB 1-7 (explaining that the duties of a magistrate judge include overseeing confidential settlement conferences). Moreover, the Parties submit this Joint Motion in good faith and not for purposes of unduly delaying discovery or trial.

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¹ Plaintiff initiated this litigation on April 12, 2024. See ECF No. 1.

1 For the reasons set forth above, the Parties respectfully request that this Court grant the
 2 Parties' Joint Motion and, in accordance with LR 16-5, issue an Order setting this matter for a
 3 settlement conference before the assigned Magistrate Judge on a mutually agreeable date.

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5 DATED this 7th day of February, 2025.

6 WEINBERG, WHEELER, HUDGINS,
 7 GUNN & DIAL, LLC

8 By: /s/ Stephanie J. Glantz

9 D. Lee Roberts, Jr.
 10 Stephanie J. Glantz
 11 Hayley J. Cummings
 12 6385 South Rainbow Blvd., Suite 400
 13 Las Vegas, Nevada 89118
 14 Telephone: (702) 938-3838
 15 *Attorneys for Defendants Ahern
 Engineering, LLC, Xtreme
 Manufacturing, LLC, and Xtreme Cubes
 Corporation*

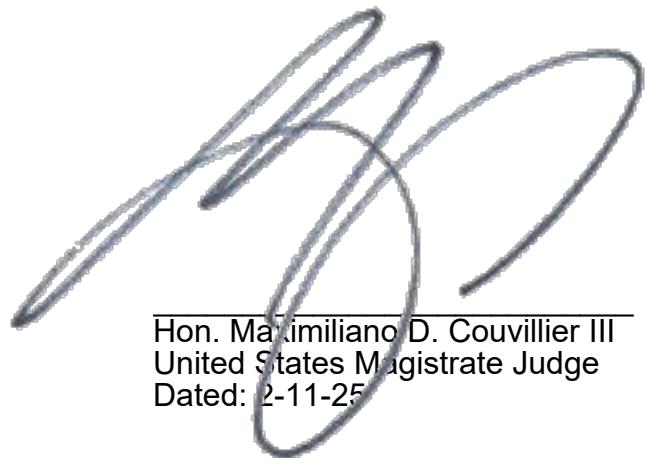
16 DATED this 7th day of February, 2025.

17 SCHNITZER JOHNSON & WATSON, CHTD.

18 By: /s/ Michael R. Esposito (w/ permission)

19 Michael R. Esposito, Esq.
 20 Sebastian F. Gajardo, Esq.
 21 8985 S. Eastern Ave., Suite 200
 22 Las Vegas, NV 89123
 23 (702) 362-6666
 24 *Attorneys for Plaintiff*

25 IT IS SO ORDERED. The stipulation (ECF No. 26) is denied without prejudice.
 26 The parties may submit an amended stipulation for settlement conference
 27 which includes the following information: (i) a more detailed description
 28 of the parties' settlement efforts; (ii) a discussion of the parties' most recent
 1 settlement offers exchanged; (iii) a brief discussion of the parties' respective
 2 positions/disagreements regarding the most recent settlement offers
 3 exchanged; and (iv) proposed settlement conference dates up to April 30, 2024.
 4 The parties are requested to please file the amended stipulation
 5 by February 21, 2025.



25 Hon. Maximiliano D. Couvillier III
 26 United States Magistrate Judge
 27 Dated: 2-11-25

CERTIFICATE OF SERVICE

I hereby certify that I am an employee of Weinberg, Wheeler, Hudgins, Gunn & Dial, LLC, and that on the 7th day of February, 2025, I served a true and correct copy of the foregoing **JOINT MOTION FOR ORDER SETTING CASE FOR SETTLEMENT CONFERENCE BEFORE ASSIGNED MAGISTRATE JUDGE PURSUANT TO LOCAL RULE 16-5** by e-service, in accordance with the Electronic Filing Procedures of the United States District Court, to the following:

Michael R. Esposito, Esq.
mesposito@sjwlawfirm.com
Sebastian F. Gajardo, Esq.
sgajardo@sjwlawfirm.com
Schnitzer Johnson & Watson, CHTD.
8985 S. Eastern Ave., Suite 200
Las Vegas, NV 89123
(702) 362-6666
(702) 362-2203 FAX
Attorneys for Plaintiff

/s/ Kelly L. Pierce
An employee of WEINBERG, WHEELER, HUDGINS,
GUNN & DIAL, LLC